

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JENNIFER BANDY, on behalf of all others
similarly situated,**

Plaintiff,

v.

**TOC ENTERPRISES, INC d/b/a Tennessee
Orthopaedic Clinics, a division of
TENNESSEE ORTHOPAEDIC ALLIANCE,
P.A.,**

Defendant.

Case No. 3:23-cv-00598

District Judge Aleta A. Trauger

**PLAINTIFF’S UNOPPOSED MOTION
FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Jennifer Bandy, individually and behalf of others similarly situated (“Plaintiff”) hereby moves this Court to:

1. Preliminarily approve the settlement described in the “Settlement Agreement” between Plaintiff and Defendant TOC Enterprises, Inc. d/b/a/ Tennessee Orthopaedic Clinics, a division of Tennessee Orthopaedic Alliance, P.A.’s (“Defendant” or “TOC”), and the attachments thereto, including the Short Notice, Long Form Notice, Claim Form, Proposed and Preliminary Approval Order, attached to the Declaration of Danielle L. Perry, filed in support of this motion;
2. Conditionally certify the Settlement Class;
3. Appoint Plaintiff Jennifer Bandy Class Representative;
4. Appoint Lisa A. white and Danielle L. Perry of Mason LLP as Class Counsel;
5. Approve a customary short form notice to be mailed to Settlement Class Members (the “Short Notice”) in a form substantially similar to that attached as Exhibit A to the Settlement Agreement;

7. Approve a customary long form notice (“Long Notice”) to be posted on the settlement website in a form substantially similar to the one attached as Exhibit B to the Settlement Agreement;

8. Direct Notice to be sent to the Settlement Class in the form and manner proposed as set forth in the Settlement Agreement and Exhibits A and B thereto;

9. Appoint Epiq Class Action and & Claims Solutions, Inc. to serve as Notice Specialist and Claims Administrator;

10. Approve the use of a claim form substantially similar to that attached as Exhibit C to the Settlement Agreement;

11. Set a hearing date and schedule for final approval of the Settlement and consideration of Plaintiff’s motion for award of fees, costs, expenses, and service awards;

This Motion is based upon: (1) this Motion; (2) the Memorandum of Points and Authorities in Support of the Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of Danielle L. Perry filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (Short and Long Form); (6) the Claim Form; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (8) the records, pleadings, and papers filed in this action; and (9) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

Dated: October 27, 2023

By: /s/ Danielle L. Perry

MASON LLP

Lisa A. White (TN Bar No. 026658)

Danielle L. Perry (*admitted pro hac vice*)

5335 Wisconsin Avenue NW, Suite 640

Washington, D.C. 20015

Phone: (202) 429-2290

lwhite@masonllp.com

dperry@masonllp.com

Counsel for Plaintiff and the Proposed Class